REMARKS

At the time of the Office Action dated January 11, 2006, claims 1-13 were pending and rejected in this application.

CLAIMS 1-2, 6-7, 9-11, AND 13 ARE REJECTED UNDER 35 U.S.C. § 103 AS BEING OBVIOUS BASED UPON MOORE ET AL., U.S. PATENT NO. 6,408,342 (HEREINAFTER MOORE), IN VIEW OF SUNDIUS, ET AL., U.S. PATENT PUBLICATION NO. 2003/0023577 (HEREINAFTE SUNDIUS)

On page 2-5 of the Office Action, the Examiner asserted that one having ordinary skill in the art would have been motivated to modify Moore in view of Sundius to arrive at the claimed invention. This rejection is respectfully traversed.

Claims 6 and 10

Independent claims 6 and 12 each recite the following limitation:

> establishing a communicative link with said distributed object using a default RPC transport mechanism ...
> selecting one said other RPC transport mechanisms and re-establishing said communicative link with said distributed object using said selected RPC transport mechanism

Thus, claims 6 and 10 recite two instances in which the communicative link is established. The first instance is with the default RPC transport mechanism and the second instance is with the selected RPC transport mechanism.

To teach the claimed "establishing a communicative link ... using a default RPC transport mechanism," the Examiner cited column 20, lines 2-5 and Fig. 12 of Moore. For ease of reference column 19, line 66 through column 20, line 6 of Moore is reproduced below:

> FIG. 12 is a flow chart illustrating the operation of the decision logic of the Stub 303. The decision logic commences operation when the Stub object receives a remote method invocation, step 601. As a preliminary step, if there is a current binding for the ObjectReference 501, the decision logic attempts to establish the connection using that current binding, 603. If step 603 is successful, step 605, the procedure terminates with success, step 607.

This very passage cited by the Examiner **teaches away** from the claimed invention. Claims 6 and 10 recite that the a communicative link is established with a default RPC transport mechanism. However, Moore teaches that if a connection is established with the current binding (i.e., the asserted default RPC transport mechanism) in step 605 then "the procedure terminates with success, step 607." Thus, one having ordinary skill in the art would not be motivated to modify Moore to "[select] one of said other RPC transport mechanisms and re-establish said communicative link with said distributed object using said selected RPC transport mechanism" because Moore teaches that the connection process is terminated if a connection is established with the current binding.

To teach the claimed "querying said distributed object over said communicative link for other RPC transport mechanisms which are supported by said server," the Examiner cited column 21, lines 8-10 and 36-43 and column 21, lines 9-10 of Moore. Applicants submit that the Examiner has grossly misstated the teachings of Moore: For example, column 21, lines 6-10 is reproduced below:

> Otherwise, if the decision logic failed to establish a connection with the binding information from the locator, step 619, the decision logic attempts making the connection by querying the various registered RPC_Transports 305 (e.g., those registered in the supported protocols list 417) to determine if one of those RPC_Transports 305 can establish the connection using an RPC_Transport dependent location mechanism, steps 623-629. (emphasis added)

The Examiner's asserted "querying the various registered RPC_Transports 305" only occurs if the decision logic failed to establish a connection. The claimed invention, however, recites that the a communicative link is established with the distributed object using a default RPC transport mechanism, and as already noted above, Moore teaches that the process is terminated if a connection is established. Therefore, step 619 (described above) is never reached in Fig. 12 since the process is "Done" in step 607. The discussion of the steps in column 21, lines 36-43 are also never reached since the process is "Done" is step 607.

To teach the claimed "selecting one said other RPC transport mechanisms," the Examiner cited column 19, lines 51-54 of Moore, which for ease of reference is reproduced below:

> If the target object is accessible over multiple protocols (i.e., both the client and the server support more than one protocol in common), the protocol with the matching the Quality of Service (QoS) required by the Stub 303 is selected.

It is readily apparent that one having ordinary skill in the art would not have considered that the Examiner's above-cited passage within Moore discloses the claimed "selecting one said other RPC transport mechanisms." This passage refers back to the "other RPC transport mechanisms" which were obtained over the communicative link established using the default RPC. Therefore, to identically disclose the claimed invention, the Examiner must establish that Moore teaches that the selection of the protocol with a matching QoS is performed after steps 605 and 607 are performed (i.e., the Examiner's asserted "establishing a communicative link ... using a default RPC transport mechanism"). The Examiner, however, has not made this factual finding.

Instead, it is readily apparent that this selection of a protocol with a matching QoS must be performed prior to steps 605 and 607. Assuming, for sake of argument, that the selection of a protocol with a matching QoS is performed after steps 605 and 607, this selection has no

purpose. Moore teaches that the connection process is terminated once a connection is established with the current binding (i.e., steps 605 and 607), and Moore does not teach reconnecting. Therefore, interpreting Moore in the manner asserted by the Examiner suggests that Moore knowingly teaches a completely useless step.

A proper interpretation of Moore yields that the selection of a protocol with a match QoS is found within the section entitled "Decision Logic," and Fig. 12 is described by Moore as "a flow chart illustrating the operation of the decision logic of the Stub" (column 6, lines 5-6). As described in column 19, line 38 through column 20, line 9, the decision logic of the Stub object 303 uses profiles stored in the ObjectReference 501 to establish a connection to the target object. The decision logic selects a profile that comes closest to being able to deliver the desired QoS. Since, as illustrated in Figs. 12 and 13, once a connection is made, then the process is considered to be "Done," it is apparent that selection of a protocol with a matching QoS occurs prior to any connection being attempted. Thus, column 19, lines 51-54 of Moore fails to teach the claimed "selecting one said other RPC transport mechanism," which occurs after a communicative link has been established using a default RPC transport mechanism.

The Examiner asserted that Moore teaches the claimed "re-establishing said communicative link with said distributed object using said selected RPC transport mechanism," but this appears to be an oversight by the Examiner, who has "cut and pasted" entire passages from the prior Office Action. As noted by the Examiner with regard to claim 1 and also with regard to claims 6 and 10, the Examiner relied upon Sundius to teach this step.

In the paragraphs spanning pages 4 and 5 of the Office Action, the Examiner asserted that Sundius teaches the claimed "re-establishing said communicative link with said distributed object using said selected RPC transport mechanism" and cited paragraph [0087] of Sundius for support. For ease of reference, this paragraph is reproduced below:

> FIG. 4 shows the interfaces as they would be used on the server side in an actual application. As the incoming message is received on the server side, the ProtocolAdapter 40 "accepts" the connection when it recognizes that the server has at least one Listener 42 that understands any of the protocols that the client supports. The incoming message encodes all the protocols that the client supports, and as a result of the bind process, a protocol that both client and server can understand is selected. As a result of the connection being established, the designated listener for the established protocol will be waiting for further incoming calls on the connection, until the connection expires. For each request the listener 42 receives, the dispatcher 44 allocates a thread to service the request, according to its own internal algorithm. Such execution thread then turns to the skeleton 46 (generated code on the server side from the original IDL), which in turn delegates to the user code 48 for execution of the request. Replies follow the same route and responses go back to the client using the same connection and the same protocol as the request.

Upon reviewing this passage, Applicants can find no teaching with Sundius (either alone or in combination with Moore) comparable to the claimed "re-establishing said communicative link with said distributed object using said selected RPC transport mechanism." Sundius is completely silent about reestablishing a communicative link. Instead, Sundius teaches that "as a result of the bind process, a protocol that both client and server can understand is selected" and "[r]eplies follow the same route and responses go back to the client using the same connection and the same protocol as the request." Therefore, even if one having ordinary skill in the art would have been motivated to modify Moore in view of Sundius, the claimed invention would not result.

With regard to the requisite motivation to modify Moore in view of Sundius to arrive at the claimed invention, the Examiner stated the following:

> It would have been obvious to combine Sundius'es [sic] teachings with Moore because the conversion facility via multiply proxy/stub objects would greatly increase the capability of client/server communications.

In rejecting a claim under 35 U.S.C. § 103, the Examiner is required to identify a source in the applied prior art for: (1) claim limitations; and (2) the motivation to combine references or modify a reference in the reasonable expectation of achieving a particular benefit. The Examiner, however, has failed to identify where within the applied prior art, the Examiner's proposed motivation can be found. Moreover, upon reviewing the Examiner's asserted motivation, it is not readily apparent what this motivation has to do with modifying the teachings of Moore so as to reestablishing a communicative link with a distributed object using a selected RPC transport mechanism, as recited in the claims. The Examiner must establish that the asserted motivation/benefit is related to the proposed modification, but it is not apparent that this has been accomplished. Applicants, therefore, submit that the Examiner has failed to establish a proper motivation to modify Moore in view of Sundius.

Claim 1

Claim 1 recites that a meta-stub is configured to establish a communicative link with a distributed object using a default RPC transport stub and also to reestablish the communicative link using a selected RPC transport stub. Therefore, claim 1 includes comparable limitations to those limitations found in claims 6 and 10 that Applicants have argued are not identically disclosed by the combination of Moore and Sundius.

Therefore, for the reasons stated above, the Examiner's proposed combination of Moore and Sundius fails to teach or suggest the claimed invention, as recited in independent claims 1, 6, and 10, within the meaning of 35 U.S.C. § 103. Thus, Applicants respectfully solicit withdrawal of

the imposed rejection of claims 1-2, 6-7, 9-11, and 13 under 35 U.S.C. § 103 for obviousness based upon Moore in view of Sundius.

CLAIMS 3-5, 8, AND 12 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MOORE IN VIEW OF SUNDIUS AND MEIN ET AL., U.S. PATENT NO. 6,782,542 (HEREINAFTER MEIN)

On pages 5 and 6 of the Office Action, the Examiner concluded that one having ordinary skill in the art would have been motivated to modify Moore in view of Sundius and Mein to arrive at the claimed invention. This rejection is respectfully traversed.

Claims 3-5, 8, and 12 depend ultimately from independent claims 1, 6 or 10, and Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claims 1, 6 and 10 under 35 U.S.C. § 103 for obviousness based upon Moore in view of Sundius. Specifically, one having ordinary skill in the art would have not arrived at the claimed invention based upon the combination of Moore and Sundius. The tertiary reference to Mein does not cure the argued deficiencies of the combination of Moore and Sundius. Accordingly, the proposed combination of references would not yield the claimed invention. Applicants, therefore, respectfully submit that the imposed rejection of claims 3-5, 8, and 12 under 35 U.S.C. § 103 for obviousness based upon Moore in view of Sundius and Mein is not viable and, hence, solicit withdrawal thereof.

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the

Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

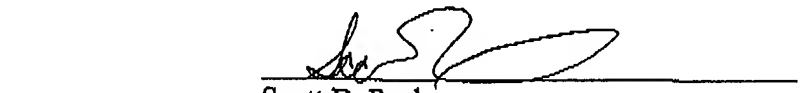
Although Applicants believe that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

> When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: March 17, 2006

Respectfully submitted,



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